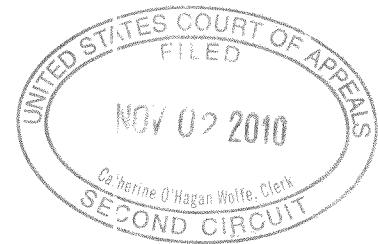


# MANDATE

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT



In Re: IPO Securities Litigation

**STIPULATION OF DISMISSAL**

Docket Number: 09-4555 (L), 09-4588 (CON)  
09-4640 (CON), 09-4653 (CON)

WHEREAS, on July 16, 2010, Class Counsel and Objectors' Counsel participated in a Court-ordered Rule 33 Appellate Mediation before a Second Circuit Mediator, and that mediation concluded without a final settlement of the above-captioned appeals;

WHEREAS, Class Counsel and Objectors' Counsel believed that progress in settling those appeals could be made through discussions, which eventually would need to be discussed with all other counsel for the parties to the appeals;

WHEREAS, Class Counsel and Objectors' Counsel now wish to enter into this Settlement Agreement, which agreement includes an agreement to dismiss the above-captioned appeals, and to have a mediator of the Second Circuit's Civil Appeal Management Program advised of the settlement and of its terms on October 6, 2010, or as soon thereafter as is practicable; and

WHEREAS, on October 6, 2010, Class Counsel and Objectors' Counsel met in person and/or by telephone with an mediator of the Second Circuit's Civil Appeal Management Program and such mediator was advised of the settlement and of its terms and was presented with a proposed Notice of Dismissal of Appeals.

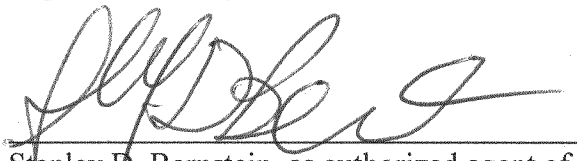
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: Nov. 03, 2010

MANDATE ISSUED ON 11/02/2010

NOTICE is given hereby, pursuant to Federal Rules of Appellate Procedure Rule 42(b), that JKM Company; Steven Miller, Individually and as Trustee of the Steve A. Miller P.C. Profit Sharing Plan; Jackie Pio and David Murray; James Mary and Mark Merrill; Ernest Browne, Jr. and Susan Browne; Richard Paul Warren SEP and D&S Partnership #2; Vondell Tyler; and Lester Baum, Mike Hart and Sue Shadley; by their respective undersigned counsel, withdraw and dismiss the above-captioned appeals with prejudice in accordance with the terms of the Settlement Agreement between the parties dated October 6, 2010.

Dated: New York, New York  
October 6, 2010

Stipulated and Agreed:

A handwritten signature in dark ink, appearing to read 'Stanley D. Bernstein', written over a horizontal line.

Stanley D. Bernstein, as authorized agent of the  
Executive Committee of Plaintiffs' Counsel,  
Defendant-Appellees herein.

\_\_\_\_\_  
Jeffrey Weinstein, Counsel for JKM Company

\_\_\_\_\_  
John Pentz, Counsel for Jackie Pio and David Murray

\_\_\_\_\_  
Edward Siegel, Counsel for James Mary, Mark Merrill, Ernest Browne, Jr., Susan Browne,  
Richard Paul Warren SEP and D&S Partnership #2

\_\_\_\_\_  
Edward Cochran, Counsel for Vondell Tyler

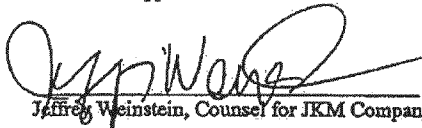
NOTICE is given hereby, pursuant to Federal Rules of Appellate Procedure Rule 42(d), that JKM Company; Steven Miller, Individually and as Trustee of the Steve A. Miller P.C. Profit Sharing Plan; Jackie Pio and David Murray; James Mary and Mark Merrill; Ernest Browne, Jr. and Susan Browne; Richard Paul Warren SEP and D&S Partnership #2; Vondell Tyler; and Lester Baum, Mike Hart and Sue Shadley; by their respective undersigned counsel, withdraw and dismiss the above-captioned appeals with prejudice in accordance with the terms of the Settlement Agreement between the parties dated October 6, 2010.

Dated: New York, New York  
October 6, 2010

Stipulated and Agreed:



Stanley D. Bernstein, as authorized agent of the  
Executive Committee of Plaintiffs' Counsel,  
Defendant-Appellees herein.



Jeffrey Weinstein, Counsel for JKM Company

John Pentz, Counsel for Jackie Pio and David Murray

Edward Siegel, Counsel for James Mary, Mark Merrill, Ernest Browne, Jr., Susan Browne,  
Richard Paul Warren SEP and D&S Partnership #2

  
Edward Cochran, Counsel for Vondell Tyler

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Dated: New York, New York  
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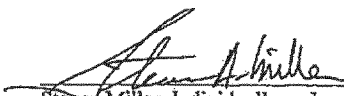
\_\_\_\_\_  
Stanley D. Bernstein, as authorized agent of the  
Executive Committee of Plaintiffs' Counsel,  
Defendant-Appellees herein.

\_\_\_\_\_  
Jeffrey Weinstein, Counsel for JKM Company

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John Pentz, Counsel for Jackie Pio and David Murray

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Edward Siegel, Counsel for James Mary, Mark Merrill, Ernest Browne, Jr., Susan Browne,  
Richard Paul Warren SEP and D&S Partnership #2

\_\_\_\_\_  
Edward Cochran, Counsel for Vondell Tyler

  
Steve Miller, Individually and as Trustee of the Steve A. Miller P.C. Profit Sharing Plan

Christopher J. Braun, Counsel for Lester Baum, Mike Hart and Sue Shadley

Stuart Yoes, Counsel for James Mary and Mark Merrill

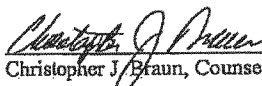
Scott Browne, Counsel for Ernest Browne, Jr. and Susan Browne

For the Court  
Catherine O'Hagan Wolf, Clerk

\_\_\_\_\_, Staff Counsel

#588134

\_\_\_\_\_  
Steven Miller, Individually and as Trustee of the Steve A. Miller P.C. Profit Sharing Plan

  
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Christopher J. Braun, Counsel for Lester Baum, Mike Hart and Sue Shadley

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For the Court  
Catherine O'Hagan Wolf, Clerk

\_\_\_\_\_, Staff Counsel

#588134

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BROWNE AND BROWNE

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Steven Miller, Individually and as Trustee of the Steve A. Miller P.C. Profit Sharing Plan

Christopher J. Braun, Counsel for Lester Baum, Mike Hart and Sue Shadley

Stuart Yocis, Counsel for James Mary and Mark Merrill

*Scott Browne*  
Scott Browne, Counsel for Ernest Browne, Jr. and Susan Browne

*Admitted*  
FOR THE COURT  
Catherine O'Hagan Wolfe, Clerk of Court  
By *Lisa J. Greenberg*  
Lisa J. Greenberg, Staff Counsel

\_\_\_\_\_, Staff Counsel

#588134

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

*Catherine O'Hagan Wolfe*

